

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

IN RE: DIGITEK® PRODUCT LIABILITY  
LITIGATION

MDL NO. 1968

---

**THIS DOCUMENT RELATES TO ALL CASES**

---

**NOTICE OF VIDEO DEPOSITION *DUCES TECUM***

PLEASE TAKE NOTICE that, under Federal Rules of Civil Procedure 26(d) and 30, Defendants will take the deposition of E. DON NELSON, PHARM.D. on **Tuesday, June 22, 2010 at 8:00 a.m.** (Eastern Time), at the Doubletree Cincinnati Airport, 2826 Terminal Drive, Hebron, Kentucky 41048. The oral examination will continue from day to day until completed. This deposition will be recorded stenographically and on videotape and will comply with any relevant orders in this MDL. This deposition is noticed in the above-captioned matter for any and all purposes permitted by the Federal Rules of Civil Procedure, and any other federal, state, or local rules that apply to this action, and the deposition will be taken in accordance with these rules. Pursuant to Federal Rule of Civil Procedure 30(b)(2), Defendants request that Dr. Nelson produce for inspection at the time of deposition:

1. The witness' current curriculum vitae or resume.
2. All correspondence and communication between the witness or anyone acting on the witness' behalf, and attorneys representing plaintiffs in this Digitek® litigation.
3. All other documents prepared by the attorneys for the plaintiffs and sent to the witness.
4. All documents, including documents and deposition transcripts which refer or relate to Digitek®, that the witness received from any source.

5. All retainer agreements or other agreements under which the witness has been or will be paid for work related to the Digitek® litigation.
6. All bills that the witness has rendered to attorneys and law firms in connection with Digitek® litigation.
7. A copy of the witness' entire file, including all electronic documents and correspondence, in connection with this matter.
8. All documents, tangible things, data, or writings that the witness reviewed, relied upon, examined, considered, or rejected in preparing the reports in this matter.
9. Everything the witness reviewed that indicates that the plaintiffs ingested defective Digitek®.
10. All drafts of the witness' reports.
11. All notes that the witness has taken in connection with review of this matter.
12. All documents that the witness has prepared concerning the subject matter of this litigation.
13. All medical literature on which the witness relies in connection with the opinions expressed in the reports.

Dated: June 14, 2010

**TUCKER ELLIS & WEST LLP**

**SHOOK, HARDY & BACON LLP**

Harvey L. Kaplan (*Pro Hac Vice*)  
Madeleine M. McDonough (*Pro Hac Vice*)  
2555 Grand Boulevard  
Kansas City, MO 64108  
(816) 559-2214

*Attorneys for Mylan Pharmaceuticals Inc.,  
Mylan Inc., Mylan Bertek Pharmaceuticals  
Inc., and UDL Laboratories, Inc.*

By: /s/ Matthew P. Moriarty  
Richard A. Dean  
Matthew P. Moriarty  
1150 Huntington Building  
925 Euclid Avenue  
Cleveland, OH 44115  
(216) 592-5000

*Attorneys for Actavis Totowa LLC, Actavis Inc.,  
and Actavis Elizabeth LLC*

**ALLEN GUTHRIE & THOMAS, PLLC**

/s/ Rebecca A. Betts

Rebecca A. Betts (W. Va. Bar # 329)

500 Lee Street East, Suite 800

P.O. Box 3394

Charleston, WV 25333-3394

(304) 345-7250

(304) 345-9941

[rabetts@agmtlaw.com](mailto:rabetts@agmtlaw.com)

*Counsel for Defendants Actavis Totowa LLC,  
Actavis Inc., Actavis Elizabeth LLC, Mylan  
Pharmaceuticals Inc., Mylan Inc., Mylan  
Bertek Pharmaceuticals Inc., and UDL  
Laboratories, Inc.*

**CERTIFICATION OF SERVICE**

I hereby certify that, on June 14, 2010, I caused the within **Notice of Deposition**, to be served via e-mail and regular U.S. Mail upon the following:

Fred Thompson, III  
Motley Rice, LLC  
P.O. Box 1792  
Mt. Pleasant, SC 29464  
[fthompson@motleyrice.com](mailto:fthompson@motleyrice.com)

Harry F. Bell, Jr.  
The Bell Law Firm PLLC  
P.O. Box 1723  
30 Capital Street  
Charleston, West Virginia 25326  
[hfbell@belllaw.com](mailto:hfbell@belllaw.com)

Carl N. Frankovitch  
Frankovitch Anetakis Colantonio & Simon  
337 Penco Road  
Weirton, West Virginia 26062  
[carln@facslaw.com](mailto:carln@facslaw.com)

*Attorneys for Plaintiffs*

**/s/ Matthew P. Moriarty**  
**Matthew P. Moriarty**

Imanage\073021.000031\1138663.1-AL0



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

IN RE: DIGITEK    PRODUCT    LIABILITY  
LITIGATION

MDL NO. 1968

---

THIS DOCUMENT RELATES TO ALL CASES

CERTIFICATE OF SERVICE

I, Rebecca A. Betts, counsel for Defendants Actavis Totowa LLC, Actavis Inc., Actavis Elizabeth LLC, Mylan Pharmaceuticals Inc., Mylan Inc., Mylan Bertek Pharmaceuticals Inc., and UDL Laboratories, Inc., hereby certify that on June 15, 2010, I electronically filed the foregoing "Notice of Video Deposition *Duces Tecum*" with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

I further certify that on June 14, 2010, a true and correct copy of the foregoing "Notice of Video Deposition *Duces Tecum*" was served via e-mail and regular U.S. Mail upon the following:

Fred Thompson, III  
Motley Rice, LLC  
P.O. Box 1792  
Mt. Pleasant, SC 29464  
[fthompson@motleyrice.com](mailto:fthompson@motleyrice.com)  
*Counsel for Plaintiff*

Harry F. Bell, Jr.  
The Bell Law Firm PLLC  
30 Capital Street  
P. O. Box 1723  
Charleston, WV 25326  
[hfbell@belllaw.com](mailto:hfbell@belllaw.com)  
*Counsel for Plaintiff*

Carl N. Frankovitch  
Frankovitch Anetakis Colantonio & Simon  
337 Penco Road  
Weirton, WV 26062  
[carln@facslaw.com](mailto:carln@facslaw.com)  
*Counsel for Plaintiff*

/s/ Rebecca A. Betts  
Rebecca A. Betts (W. Va. Bar # 329)  
ALLEN GUTHRIE & THOMAS, PLLC  
500 Lee Street East, Suite 800  
P.O. Box 3394  
Charleston, WV 25333-3394  
(304) 345-7250  
(304) 345-9941  
[rabetts@agmtlaw.com](mailto:rabetts@agmtlaw.com)